

REMARKS/ARGUMENTS

As stated above, Applicants elect Group IV, Claims 43-45 and 62-65, drawn to electrodes consisting of the catalysts, for further prosecution and respectfully traverse the requirement for restriction for the following reasons.

First of all, it should be noted that the present application is the nationalization of the PCT application and that during the PCT procedure, no objection of lack of novelty was raised. Therefore, because the unity of the application was already acknowledged during the International Examination Phase, it is not seen why the Examiner should impose a Restriction Requirement at this time.

In this connection, it appears strange that the Examiner invokes PCT rules to justify the Restriction Requirement when the Examiner acting as PCT Examiner did not raise any objection in this respect.

Moreover, the Examiner's position that each group requires a different search, it is respectfully submitted, does not take

into account whether the supposed different inventions are linked together by a general inventive concept and should be divided via a Restriction Requirement.

It is respectfully submitted moreover that there is sufficient unity of invention present to justify examination of all the groups in one application. The application makes available electrodes for fuel cells made up of catalyst, which in turn are made up of the complexes claimed in claims 38-40. It is respectfully submitted that it would not be possible to realize the electrodes used in the cells, without describing and claiming the components of which such "electrodes" are constituted. In this connection, it is not understood what exactly is the difference seen by the Examiner between Group IV, drawn to electrodes consisting of the catalysts, and Group X, drawn to electrodes for purposes of imposing the Restriction Requirement.

Accordingly, it is respectfully requested that the Examiner reconsider the Restriction Requirement as the main point of the application is to make available the electrodes described in the claims, which provide the reported and demonstrated advantages.

At the very least, it is respectfully submitted that the examination should be directed not only to the electrodes according to Group IV, as elected herein, but also as a matter of logic to the electrodes indicated under Group X. Both Groups should be simultaneously examined, not just the subject matter of Group IV.

Moreover, it is believed that any search for the invention embodied in Group IV would necessarily include a search for the inventions embodied in the remaining groups. Thus, the simultaneous search for all the inventions is believed not to constitute an unreasonable search for the Patent Examiner.

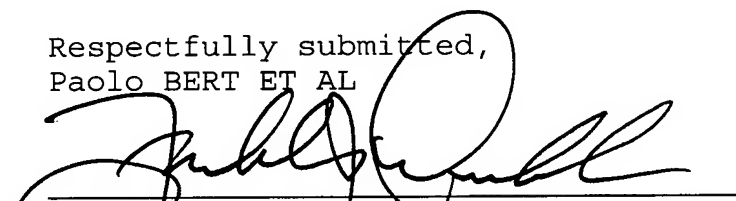
In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if a search were conducted simultaneously for all the groups. Also, the necessity of filing multiple patent applications in this case does not serve to promote the public interest because of the extra expense that is involved, in filing fees and examination costs, as well as the burden upon the public, due to the necessity of searching through a multiplicity of patent files

in order to find the complete range of the subject matter claimed in several different patents that could otherwise be found in one issued patent only.

Applicants reserve the right to file divisional applications for the non-elected inventions.

For all these reasons, it is respectfully requested that the restriction requirement under 35 U.S.C. 121 be withdrawn and that an action on the merits of all the claims be rendered.

Respectfully submitted,
Paolo BERT ET AL



Frederick J. Dorchak, Reg.No.29,298
Edward R. Freedman, Reg.No.26,048
Attorneys for Applicants

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802
FJD:cmm

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Amy Klein